

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ALMON OGLETREE,
Petitioner,

v.

RAYMOND BOOKER,

Respondent,

Civil No. 2:07-CV-14486
HONORABLE GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

ORDER GRANTING THE MOTION FOR PAUPER STATUS

On May 13, 2009, the court issued an opinion and order denying Petitioner's application for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. The Court also denied petitioner a certificate of appealability. *Ogletree v. Booker*, No. 2009 WL 1360380 (E.D. Mich. May 13, 2009). Petitioner has now filed a motion to proceed *in forma pauperis* on appeal. For the reasons stated below, the motion for pauper status is granted.

Although the Court has denied a certificate of appealability to Petitioner, the standard for granting an application for leave to proceed *in forma pauperis* (IFP) is a lower standard than the standard for certificates of appealability. See *Foster v. Ludwick*, 208 F. Supp. 2d 750, 764 (E.D. Mich. 2002)(citing *United States v. Youngblood*, 116 F. 3d 1113, 1115 (5th Cir. 1997)). Whereas a certificate of appealability may only be granted if petitioner makes a substantial showing of the denial of a constitutional right , a court may grant IFP status if it

finds that an appeal is being taken in good faith. *Id.* at 764-65; 28 U.S.C. § 1915(a)(3); Fed. R.App.24 (a). “Good faith” requires a showing that the issues raised are not frivolous; it does not require a showing of probable success on the merits. *Foster*, 208 F. Supp. 2d at 765. Although jurists of reason would not debate the court’s resolution of Petitioner’s claims, the issues are not frivolous; therefore, an appeal could be taken in good faith and petitioner may proceed *in forma pauperis* on appeal. *Id.*

ORDER

Based upon the foregoing, IT IS HEREBY ORDERED that the “Motion to Proceed In Forma Pauperis on Appeal” [Dkt. # 13] is GRANTED.

Dated: July 20, 2009

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 20, 2009, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk